

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:09cv54

**HOLLY P. OXNER, JR., and FORREST
EUGENE WEAVER, both individually
and on behalf of all similarly affected
retired and/or active police officers of
the City of Asheville,**

Plaintiffs,

Vs.

**JEFFREY RICHARDSON, Assistant City
Manager of the City of Asheville; LISA
ROTH, Director of Human Resources of
the City of Asheville; and THE CITY OF
ASHEVILLE,**

Defendants.

ORDER

THIS MATTER is before the court on plaintiffs' Motion for Authority to Release Information from Class members' Personnel Records and for a Temporary Stay. Plaintiffs' counsel has shown good cause for entry of an order directing the defendant City of Asheville to produce certain information from class members' personnel files. Specifically, the court finds under Chapter 160A-168 of the North Carolina General Statutes that the release of class members' mailing addresses and periods of employment is necessary in this case and that such disclosure would further

the ends of justice. To that end, an order providing for such limited production of those portions of the personnel files will be allowed. (A summary or spread sheet rather than original documents will suffice if evidentiary objections are waived by defendants). Such production will, however, be subject to a Protective Order limiting such use. Having considered plaintiffs' motion and reviewed the pleadings, the court enters the following Order.

The court notes and greatly appreciates the fine manner in which all counsel have worked to move this case forward.

ORDER

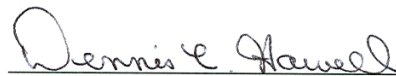
IT IS, THEREFORE, ORDERED that plaintiffs' Motion for Authority to Release Information from Class members' Personnel Records and for a Temporary Stay (#15) is **GRANTED**, and defendant City of Asheville is directed to produce and provide to counsel for plaintiffs the names, addresses, and periods of employment for each class member.

IT IS FURTHER ORDERED that a limited Protective Order is entered prohibiting use of such information outside this litigation. At the conclusion of the litigation, such data shall either be returned to the City of Asheville or disposed of in a manner agreeable to class counsel and counsel for the City of Asheville.

IT IS FURTHER ORDERED that, to facilitate settlement, all deadlines

contained in the Pretrial Order and all proceedings in this matter are **STAYED** until December 1, 2009, at which time the stay **SHALL DISSOLVE** automatically and class counsel will submit either a status report or a motion and proposed notice to class members for court approval.

Signed: November 3, 2009

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Dennis L. Howell
United States Magistrate Judge

